

Senate Study Bill 3035 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT ON
AGING BILL)

A BILL FOR

1 An Act relating to the powers and duties of the department on
2 aging.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 62, Code Supplement
2 2011, is amended to read as follows:

3 62. Records of the department on aging pertaining to clients
4 served by the prevention of elder abuse prevention initiative,
5 neglect, and exploitation program.

6 Sec. 2. Section 231.4, subsection 1, paragraph n, Code
7 Supplement 2011, is amended to read as follows:

8 *n.* "*Unit of general purpose local government*" means the
9 governing body of a city, county, township, metropolitan area,
10 or region within the state that has a population of one hundred
11 thousand or more, that is recognized for areawide planning, and
12 that functions as a political subdivision of the state whose
13 authority is general and not limited to only one function or
14 combination of related functions, or a tribal organization.

15 Sec. 3. Section 231.4, subsection 2, Code Supplement 2011,
16 is amended to read as follows:

17 2. For the purposes of this chapter, "*aging and disability*
18 *resource center*", "*area agency on aging*", "*focal point*",
19 "*greatest economic need*", and "*greatest social need*", "*planning*
20 *and service area*", and "*tribal organization*" mean as those terms
21 are defined in the federal Act.

22 Sec. 4. Section 231.14, subsection 1, paragraphs e, g, and
23 h, Code 2011, are amended to read as follows:

24 *e.* Designate for each planning and service area a public or
25 private nonprofit agency or organization as the area agency on
26 aging for that area. The commission may revoke the designation
27 of an area agency on aging pursuant to section 231.32.

28 *g.* Adopt a formula for the distribution of federal Act, and
29 state services for older individuals, and senior living program
30 funds taking into account, to the maximum extent feasible, the
31 best available data on the geographic distribution of older
32 individuals in the state, and publish the formula for review
33 and comment.

34 *h.* Adopt policies and measures to assure that preference
35 will be given to providing services to older individuals

1 with the greatest economic or social needs, with particular
2 attention to low-income minority older individuals, older
3 individuals with limited English proficiency, and older
4 individuals residing in rural areas.

5 Sec. 5. Section 231.22, Code 2011, is amended to read as
6 follows:

7 **231.22 Director — assistant director.**

8 1. The governor, subject to confirmation by the senate,
9 shall appoint a director of the department on aging who shall,
10 subject to chapter 8A, subchapter IV, employ and direct staff
11 as necessary to carry out the powers and duties created by
12 this chapter. The director shall serve at the pleasure of the
13 governor. However, the director is subject to reconfirmation
14 by the senate as provided in section 2.32, subsection 4. The
15 governor shall set the salary for the director within the range
16 set by the general assembly.

17 2. The director shall have the following qualifications and
18 training:

19 a. Training in the field of gerontology, social work, public
20 health, public administration, or other related fields.

21 b. Direct experience or extensive knowledge of programs and
22 services related to older individuals.

23 c. Demonstrated understanding and concern for the welfare of
24 older individuals.

25 d. Demonstrated competency and recent working experience in
26 an administrative, supervisory, or management position.

27 3. The director may appoint an assistant director who shall
28 be in charge of the department in the absence of the director.
29 The appointment shall be based on the appointee's training,
30 experience, and capabilities.

31 Sec. 6. Section 231.23, Code 2011, is amended to read as
32 follows:

33 **231.23 Department on aging — duties and authority.**

34 The department on aging director shall:

35 1. Develop and administer a state plan on aging.

1 2. Assist the commission in the review and approval of area
2 plans.

3 3. Pursuant to commission policy, coordinate state
4 activities related to the purposes of this chapter and all
5 other chapters under the department's jurisdiction.

6 4. Advocate for older individuals by reviewing and
7 commenting upon all state plans, budgets, laws, rules,
8 regulations, and policies which affect older individuals and
9 by providing technical assistance to any agency, organization,
10 association, or individual representing the needs of older
11 individuals.

12 5. Assist the commission in dividing the state into distinct
13 planning and service areas.

14 6. Assist the commission in designating for each area a
15 public or private nonprofit agency or organization as the area
16 agency on aging for that area.

17 7. Pursuant to commission policy, take into account the
18 views of older Iowans.

19 8. Assist the commission in adopting a formula for the
20 distribution of funds available from the federal Act and state
21 appropriations and allocations.

22 9. Assist the commission in assuring that preference will
23 be given to providing services to older individuals with the
24 greatest economic or social needs, with particular attention to
25 low-income minority older individuals, older individuals with
26 limited English proficiency, and older individuals residing in
27 rural areas.

28 10. Assist the commission in developing, adopting, and
29 enforcing administrative rules, by issuing necessary forms and
30 procedures.

31 11. Apply for, receive, and administer grants, devises,
32 donations, gifts, or bequests of real or personal property from
33 any source to conduct projects consistent with the purposes of
34 the department. Notwithstanding section 8.33, moneys received
35 by the department pursuant to this section are not subject to

1 reversion to the general fund of the state.

2 12. Administer state authorized programs.

3 ~~13. Provide annual training for area agency on aging board~~
4 ~~of directors members.~~

5 ~~14.~~ 13. Establish a procedure for an area agency on
6 aging to use in selection of members of the agency's board of
7 directors. The selection procedure shall be incorporated into
8 the bylaws of the board of directors.

9 ~~15. Provide oversight to ensure that the composition of the~~
10 ~~area agency on aging board of directors complies with the rules~~
11 ~~of the department.~~

12 Sec. 7. Section 231.23A, unnumbered paragraph 1, Code 2011,
13 is amended to read as follows:

14 The department on aging shall provide or administer, but is
15 not limited to providing or administering, all of the following
16 programs and services to the extent required by law and subject
17 to the availability of funding:

18 Sec. 8. Section 231.23A, subsections 1 and 6, Code 2011, are
19 amended to read as follows:

20 1. Services for older individuals including but not limited
21 to home and community-based services such as adult day,
22 assessment and intervention, transportation, chore, counseling,
23 homemaker, material aid, personal care, reassurance, respite,
24 visitation, caregiver support, emergency response system,
25 mental health outreach, and home repair as defined by the
26 department in the most current version of the department's
27 reporting manual and pursuant to the federal Act and
28 regulations.

29 6. The nutrition and health promotion program.

30 Sec. 9. Section 231.33, subsections 7 and 11, Code 2011, are
31 amended to read as follows:

32 7. Give preference in the delivery of services under the
33 area plan to older individuals with the greatest economic or
34 social need, with particular attention to low-income minority
35 older individuals, older individuals with limited English

1 proficiency, and older individuals residing in rural areas.

2 11. ~~Contact~~ Conduct outreach efforts, ~~with special emphasis~~
3 ~~on rural older individuals,~~ to identify older individuals
4 with the greatest economic or social needs, with particular
5 attention to low-income minority older individuals, older
6 individuals with limited English proficiency, and older
7 individuals residing in rural areas, and inform them of the
8 availability of services under the area plan.

9 Sec. 10. Section 231.52, subsection 3, Code 2011, is amended
10 to read as follows:

11 3. The department shall require such uniform reporting
12 and financial accounting by ~~contractors~~ subgrantees as may be
13 necessary to fulfill the purposes of this section.

14 Sec. 11. Section 231.56, Code 2011, is amended to read as
15 follows:

16 **231.56 Services and programs.**

17 The department shall administer services and programs ~~to~~
18 ~~reduce institutionalization and encourage community involvement~~
19 ~~to help older individuals remain in their own homes~~ that allow
20 older individuals to secure and maintain maximum independence
21 and dignity in a home environment that provides for self-care
22 with appropriate supportive services, assist in removing
23 individual and social barriers to economic and personal
24 independence for older individuals, provide a continuum of care
25 for older individuals and individuals with disabilities, and
26 secure the opportunity for older individuals to receive managed
27 in-home and community-based long-term care services. Funds
28 appropriated for this purpose shall be instituted based on
29 administrative rules adopted by the commission. The department
30 shall require such records as needed to administer this
31 section.

32 Sec. 12. Section 231.56A, Code 2011, is amended to read as
33 follows:

34 **231.56A Elder Prevention of elder abuse initiative,** ~~emergency~~
35 ~~shelter, and support services projects, neglect, and exploitation~~

1 program.

2 1. ~~Through the state's service contract process adopted~~
3 ~~pursuant to section 8.47, the department shall identify~~
4 ~~entities that have demonstrated the ability to provide~~
5 ~~a collaborative response to the immediate needs of older~~
6 ~~individuals for the purpose of implementing elder abuse~~
7 ~~initiative, emergency shelter, and support services projects.~~
8 ~~The projects shall be coordinated in service areas that have~~
9 ~~a multidisciplinary team established pursuant to section~~
10 ~~235B.1, where available. The department shall administer~~
11 ~~the prevention of elder abuse, neglect, and exploitation~~
12 ~~program in accordance with the requirements of the federal~~
13 ~~Act. The purpose of the program is to carry out activities for~~
14 ~~intervention in, investigation of, and response to elder abuse,~~
15 ~~neglect, and exploitation including financial exploitation.~~

16 2. The target population of the ~~projects~~ program shall
17 be any older individual residing in Iowa who is at risk of
18 or who is experiencing abuse, neglect, or exploitation which
19 ~~may include but is not limited to an older individual who is~~
20 ~~the subject of a report of suspected dependent adult abuse~~
21 ~~pursuant to chapter 235B. This subsection shall not apply to~~
22 ~~an older individual who is receiving assistance under a county~~
23 ~~management plan approved pursuant to section 331.439 including~~
24 ~~financial exploitation.~~

25 3. The contractor implementing the ~~projects~~ program shall
26 identify allowable emergency shelter and support services,
27 state funding, outcomes, reporting requirements, and approved
28 community resources from which services may be obtained ~~under~~
29 ~~the projects.~~

30 4. The contractor shall implement the ~~projects~~ program
31 and shall coordinate the provider network through the use of
32 referrals or other engagement of community resources to provide
33 services to older individuals.

34 5. ~~The department shall award funds to the contractor~~
35 ~~in accordance with the state's service contract process and~~

1 ~~department rule. Receipt and expenditures of moneys under the~~
2 ~~projects are subject to examination, including audit, by the~~
3 ~~department. The department shall adopt rules to implement this~~
4 ~~section.~~

5 ~~6. This section shall not be construed and is not intended~~
6 ~~as, and shall not imply, a grant of entitlement for services to~~
7 ~~individuals who are not otherwise eligible for the services or~~
8 ~~for utilization of services that do not currently exist or are~~
9 ~~not otherwise available.~~

10 Sec. 13. Section 231.62, Code Supplement 2011, is amended
11 by striking the section and inserting in lieu thereof the
12 following:

13 **231.62 Alzheimer's disease services and assistance.**

14 Pursuant to the federal Act, the department shall direct
15 the area agencies on aging to use outreach efforts to identify
16 older individuals with Alzheimer's disease and related
17 disorders and to establish supportive services for those
18 individuals and their families. The department shall regularly
19 review trends and initiatives to address the long-term living
20 needs of Iowans to determine how the needs of persons with
21 Alzheimer's disease and related disorders can be appropriately
22 met.

23 Sec. 14. Section 231.66, Code 2011, is amended to read as
24 follows:

25 **231.66 Nutrition and health promotion program.**

26 A nutrition and health promotion program shall be
27 administered by the department, in accordance with the
28 requirements of the federal Act, including congregate and
29 home-delivered nutrition programs, nutrition screening,
30 nutrition education, nutrition counseling, and evidence-based
31 health promotion programs to promote health and well-being,
32 reduce food insecurity, promote socialization, and maximize
33 independence of older individuals.

34 Sec. 15. REPEAL. Sections 231.24 and 231.63, Code 2011,
35 are repealed.

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EXPLANATION

This bill relates to the department on aging.

The bill includes amendments to definitions based on the federal Older Americans Act and state practice.

The bill provides explicit authority to the commission on aging to not only designate but to also revoke the designation of an area agency on aging with the assistance of the department and to adopt a formula to distribute federal and state funds. The bill authorizes the director to appoint an assistant director to be in charge of the department in the absence of the director. The appointment is to be based on the appointee's training, experience, and capabilities.

The bill includes as a basis for preference in the provision of services, older individuals with the greatest economic need, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.

The bill specifies the programs and services that the department shall provide to the extent required by law and subject to the availability of funding, and provides a basis for the services and programs the department administers.

The bill changes the elder abuse projects to a prevention of elder abuse, neglect, and exploitation program.

The bill repeals the Code sections relating to certified retirement communities and end-of-life care information.